

Office Action Summary

Application No.

09/351,235

Applicant(s)

CHIBA ET AL.

Examiner

Jerome Grant II

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-105 is/are pending in the application.
- 4a) Of the above claim(s) 29-92 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14-18, 22, 23, 93-100 and 102-105 is/are rejected.
- 7) ☒ Claim(s) 12, 13, 19-21, 24-28 and 101 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

JEROME GRANT II
PRIMARY EXAMINER

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Detailed Action

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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Claims 1-5, 7-11, 14-18, 22, 23, 93-100 and 102-105 rejected under 35 U.S.C. 102(e) as being anticipated by Tachibana.

With respect to claim 1, Tachibana teaches manual operations for optically reading an image on a medium comprising: a housing 1 having an image reading surface coming in contact with the medium (motion film MF, document G or film cartridge CF) when reading an image, see figures 3a and 3b; a medium detecting unit (sensor K1-K7 provided on the image reading surface for detecting the medium see also sensors 15-17); and an image reading unit (see figure 4) provided on the housing for reading image information of the medium according to the result of the detection by a medium detection unit.

With respect to claim 2, see sensors K1-K7 and 15-17 of figure 4.

With respect to claim 3, see sensors K1-K7 and 15-17 of figure 4.

With respect to claim 4, Tachibana teaches a light emitting unit (light drive circuit 311 and 312) as claimed.

With respect to claim 5, Tachibana teaches a roller 21-23 as claimed and at least an auxiliary roller (the other of the rollers chosen from 21-23) as shown in figure 4.

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With respect to claim 7, see figure 4.

With respect to claim 8, see col. 19, line 55 to col. 20, line 5 which teaches the operation of controlling with respect to the detection of a medium.

With respect to claim 9, Tachibana teaches an interface unit (front portion of housing 1) with an auxiliary image reader capable of reading a document having a different reading size connectable thereto (for example auxiliary reading functions are performed on document G, cartridge CF, film F and mounted film MF); wherein the control processes a result of the auxiliary reading unit.

With respect to claim 10, Tachibana teaches a power supply unit (bottom right portion of figure 18) for intermittently supplying power to said medium detecting unit when the image is not being read according to a result of recognition by said read control unit.

With respect to claim 11, Tachibana teaches a memory 321 for storing a plurality of images.

With respect to claim 14, Tachibana teaches a display unit 4, shown in figure 1 for the purpose as claimed.

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With respect to claim 15, Tachibana teaches a display device 4 raised in a vertical posture with respect to the reading assembly (shown by figure 4).

With respect to claim 16, see figure 1.

With respect to claim 17, see figure 1.

With respect to claim 18, Tachibana teaches an operation section (front portion of housing 1, with buttons etc.) which is near one edge of the operating surface.

With respect to claim 22, the display control section as claimed is taught at col. 9, lines 50-60

With respect to claim 23, the display control section for enlarging and reduction is taught at see col. 9, lines 50-66.

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With respect to claim 93, Tachibana teaches an image reader having manual operations (front portion of housing 1) comprising: a housing having a reading unit coming in contact with the medium; a medium detecting unit (sensor K1-K7 and 15-17 provided on an image reading surface of said housing for detecting the medium; a control processing unit (CPU 323) for providing controls over said medium detecting unit according to environments (which type of document is desired to be read); and image reading unit (shown by figure 4) for reading image information of the medium according to the result of the control processing unit.

With respect to claim 94, Tachibana teaches a detecting unit comprising a light emitting element (light drive circuit 311 and 312 and a light receiving element (sensor array 26 or 46) for detecting an image on a medium and sensors K1-K7 and 15-17 for detecting a medium; and a control processing unit CPU 323. See figure 18.

With respect to claim 95, Tachibana teaches a light emitting element (311 and 312), light receiving element a light receiving element (sensor array 26 or 46) for detecting an image on a medium and sensors K1-K7 and 15-17 for detecting a medium; and a control processing unit CPU 323. Tachibana teaches a CPU 323 for controlling a power supply (shown by the lower portion of figure 18) to supply light based on reading conditions.

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With respect to claim 96, Tachibana teaches the medium detecting unit as claimed and the control processing unit CPU 323 for providing pulse drive control (via circuit 319) for the light emitting element. See col. 19, lines 28-32.

With respect to claims 97 and 103, Tachibana teaches a medium detecting unit/mechanism switches K1-K7 and 15-17, said control processing unit CPU 323 determines that the medium has been detected and reading information based upon the detection result. See figure 18,

With respect to claim 98, Tachibana teaches image detecting units K1-K7 and 15-17 and image reading changing unit CPU in combination with detection sensors for detecting the medium.

With respect to claim 99, see sensor switches K1-K7 and 15-17 according to figure 18.

With respect to claim 100, Tachibana teaches a control processing unit CPU 323 that detects a medium based on any of switches K1- K7 and 15-17 detects a medium (document, motion film or film cartridge).

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With respect to claim 102, see the 6 walls that comprising the means for surrounding the medium detection unit. See figures 1 and 2.

With respect to claim 104, Tachibana teaches a changing unit (CPU 323 in combination with elements 305-310 and 319) for changing a control method in the control processing unit based upon the signals detected from respective switches.

With respect to claim 105, Tachibana teaches a moving member (rollers 21-23) includg a min roller (the larger of the rollers seen in figures 4-6); and amovement detecting means (CPU 323 for detecting the movement of the rollers, note CPU 323 detects motion of the motor which is translated to a motion of the roller when the medium is placed upon it or travels across it.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tachibana in view of Nihei.

Tachibana teaches all of the subject matter upon which the claim depends except for the rotary encoder provided on the axis of a roller.

Nihei teaches a rotary encoder 69 about axis 66 (see figure 5) for an image reader optically reading a document 1 as shown by figure 20. The image reader having a housing 12 or the horizontal portion of the apparatus shown by figure 1, and the reader portion shown elevated in the same figure.

Since Tachibana are directed toward the art of reading an image on a medium (a document) the purpose of using a rotary encoder would have been recognized in Tachibana as clearly set forth by Nihei.

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It would have been obvious to one of ordinary skill in the art to modify any of the rollers 21-23 shown by figures 4-6, or motors for driving the medium across said roller, by attaching a rotary encoder on the axis of the roller or motor for the purpose of determining the distance that the rollers or motors have caused a document to travel which are navigating on or by the rollers or motor.

Claims Objected

3. Claims 12, 13, 19-21, 24-28 and 101 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore, can be reached on (703) 308-7452. The fax phone number for the organization where this application or proceeding is assigned is 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-3900.

J. Grant II
JEROME GRANT II
PRIMARY EXAMINER

Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes **incorporated** therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.

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